

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re: W.R. GRACE & CO., et al.

STATE OF CALIFORNIA
DEPARTMENT OF GENERAL
SERVICES,

Appellant,

V.

W.R. GRACE & CO., *et al.*,

Appellees.

CIVIL ACTION NO. 08-863

Bankruptcy Case No. 01-1139

ORDER

AND NOW, this 29th day of September, 2009, upon consideration of the Brief of Appellant State of California Department of General Services (Docket No. 24), the Brief of Appellees W.R. Grace & Co, *et al.* (Docket No. 26), and Appellant's Reply Brief (Docket No. 28), as well as Appellant's Request for Oral Argument (Docket No. 29), it is hereby **ORDERED** that:

1. Appellant's request for oral argument is **DENIED**;
2. Appellant's Appeal of the Bankruptcy Court's October 10, 2008 Order is **GRANTED**;
3. The Bankruptcy Court's October 10, 2008 Order is **REVERSED**; and
4. The matter is remanded to the Bankruptcy Court for further proceedings.

It is so **ORDERED**.

BY THE COURT:

s/ Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.